

**REMARKS**

The Applicant thanks the Examiner for the thorough consideration given the present application. Claims 4, 6-8, and 12-15 are pending. Claims 8-11 and 13 are withdrawn. Claims 5 and 9 are cancelled herein without prejudice to or disclaimer of the subject matter set forth therein. Claims 4, 6, 7, 8, 10, 11, and 14 are amended, and claim 15 is added. Claims 4, 8, and 14 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

**Allowable Subject Matter**

The Examiner states that independent claim 14 has been allowed.

The Applicant appreciates the Examiner's early indication of allowable subject matter. As noted below, non-narrowing amendments have been made voluntarily to independent claim 14 merely to clarify the claimed subject matter. Thus, independent claim 14 remains in condition for allowance.

In addition, each of independent claims 4 and 8 has been amended to set forth a novel combination of elements including the subject matter shown in paragraph 9, page 7 of the Office Action, which the Examiner indicates is allowable.

Therefore, independent claims 4 and 8 are in condition for allowance.

**Restriction Requirement**

The Examiner has withdrawn claims 8-11 and 13 (Group II) from consideration. As indicated the Amendment filed on December 30, 2005, independent claim 14 includes the subject matter of claims 8, 9, and 10. Independent claim 14 (Group II) has been allowed.

Inasmuch as independent claim 14 (Group II) has been allowed, it is respectfully requested that the Examiner consider withdrawn claims 8, 10, 11 and 13, which the Examiner states are directed to Group II. Further, the Applicant respectfully submits that independent claim 8, as amended herein, is generic to both Groups I and II. As such, the Examiner should claims 8, 10, 11 and 13. (As noted above, withdrawn claim 9 has been cancelled.)

**Clarification of Claim Terminology**

In order to clarify the subject matter set forth in the claims of the present application, the Applicant has made voluntary and non-narrowing changes to the terminology in independent claims 4, 8, and 14 as follows:

The “scanned image data” of the previously presented claim 4 is an image data read out by the scanner (not the reflective scanner 52 of Fig. 2, but the other scanner 12 shown in Fig. 1), and a print image data to output a print image. However, the “scanned image data” of the previously presented claim 4 may possibly be mistaken as the data of the image read out by the reflective scanner recited in the present claim 4, because the present claim 4 recites only the reflective scanner. Accordingly, the Applicant has replaced the “scanned image

data” with “print image data” for outputting a print. Further, the image data obtained by reading out the print image having the mark indicating the position of the defect is changed to “read-out image data.” For support, the Examiner is directed to page 17, lines 17-20 of the present specification, where “the image data of a read-out image,” “the fine scan image data” to be outputted as a print are recited. Furthermore, the image on Film F is recited as the “original image”.

**Rejection Under 35 U.S.C. §103(a)**

Claims 4, 5, 7, and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Shaughnessy et al. (U.S. 5,075,787) or Ng et al. (U.S. 5,138,465); and claim 6 stands stand rejected under 35 U.S.C. §103(a) as being unpatentable over Shaughnessy et al. in view of Hibino (U.S. 5,751,343) or Brownstein (U.S. 4,482,924).

These rejections are respectfully traversed.

While not conceding the appropriateness of the Examiner’s rejection, but merely to advance prosecution of the present application, each of independent claims 4 and 8 is amended herein to recite a combination of elements, including *inter alia*

a reflective scanner for reading a print image output from a printer based on print image data, the print image output from the printer having an identifying mark provided at a position of a defect on the print image, thereby obtaining read-out image data which has image data of the identifying mark in addition to the print image data;

an image correction section for correcting image data of said print image by utilizing a position of said identifying mark on the print image output from the printer,

wherein the image correction section corrects the print image data by comparing the read-out image data with the print image data.

The Applicant respectfully submits that the combination of elements as set forth in each of independent claims 4 and 8 is not disclosed or made obvious by the prior art of record, including Shaughnessy et al. and Ng et al.

On page 7 of the Office Action (when providing a statement of reasons for the indication of allowable subject matter) the Examiner concedes that neither Shaughnessy et al. nor Ng et al. teaches or suggests “printing of a document output from an image processing operation, and use of a comparison between a scan of the printout result and a scan of the original document in conjunction with the recited arrangement for correction of image data on the basis of an identifying mark.”

Accordingly, the image correction apparatus/digital photoprinter set forth in each of independent claims 4 and 8 of the present application is not disclosed by Shaughnessy et al. and Ng et al.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. 103(a) are respectfully requested.

Thus, independent claims 4 and 8 are in condition for allowance.

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The Examiner will note that allowed independent claim 14 has been amended in a manner similar to independent claims 4 and 8.

**Dependent Claims**

The Examiner will note that dependent claim 15 has been added to set forth additional novel features of the present invention, dependent claims 5 and 9 have been cancelled, and dependent claim 7 has been amended merely to place them in better form.

All dependent claims are now in condition for allowance due to their dependence on an allowable independent claim, or due to the additional novel features set forth therein.

All pending claims are now in condition for allowance.

**CONCLUSION**

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

In the event there are any matters remaining in this application, the Examiner is invited to contact Carl T. Thomsen, Registration No. 50,786 at (703) 205-8000 in the Washington, D.C. area.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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